

1. Uber removes this case on the basis of diversity jurisdiction, on the grounds that there is complete diversity of citizenship among the parties to this litigation and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs. See 28 U.S.C. § 1332(a)(1) (“[t]he district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interests and costs, and is between citizens of different states.”).

BACKGROUND

2. On or about June 6, 2022, Plaintiff Satish Kumar (“Plaintiff”) filed a complaint (“the Complaint”) in the Supreme Court for Queens County naming Uber as a Defendant. *See* Summons and Complaint against Uber, annexed hereto as **Ex. “A”**

3. Plaintiff alleges in the Complaint that he was injured in an automobile collision on October 5, 2019 and suffered “serious” injuries, and plaintiff has “disfigurement” and ongoing “pain and agony”. *Id.* at ¶¶23-24

TIMELINESS OF REMOVAL

4. This application is filed within thirty (30) days of service of Plaintiff’s Summons and Complaint on Uber. As seen in the Affidavits of Service annexed as **Ex. “B”** Uber was served by service of on the Secretary of State on July 14, 2022. *See also* 28 U.S.C. § 1446(b)(1).

DIVERSITY OF CITIZENSHIP

5. Complete diversity of citizenship exists in this matter because Defendant is a citizen of a different state than Plaintiff. *See* 28 U.S.C. §1332(a).

6. Plaintiff alleges that he is an individual residing in Kings County, New York. Plaintiff is therefore a citizen of New York for diversity purposes.

7. At the time of the filing of the Complaint, Uber was, and currently is, a corporation formed under the laws of the State of Delaware with its principal place of business located at 1515 3rd Street, San Francisco, CA 94158. Uber is therefore not a citizen of New York for diversity purposes.

8. There is complete diversity between Plaintiff and Defendants in this action because Plaintiff is a citizen of the State of New York and no Defendant is a citizen of the State of New York. *See* 28 U.S.C. §1332(a)(1).

AMOUNT IN CONTROVERSY

9. Based on Plaintiff's allegations, the amount in controversy in this case exceeds the jurisdictional minimum of \$75,000.00 required for diversity jurisdiction to 28 U.S.C. §1332.

10. Where, as here, the amount in controversy is not apparent from the pleadings, the Defendant may attach documents outside of the pleadings, including "information relating to the amount in controversy in the record of the State proceeding, or in response to discovery," to their removal notice. 28 U.S.C. §1446(c)(3)(A).

11. Plaintiff's Bill of Particulars concerning the collision that is the subject of this lawsuit, see *Kumar v. American United Transportation, Inc. and Cheickne Doucoure*, Index No. 702165/2020, **Ex. C**, contains a description of Plaintiff's damages, including claims of permanent disability, including "**a fracture, permanent scarring, permanent loss of use of a body organ, member, function or system**" and permanent limitation or use of a body organ or member. *See Ex. "C"*, Plaintiff's Verified Bill of Particulars in Kumar Litigation, *Kumar v. American United Transportation, Inc. and Cheickne Doucoure*, 702165/2020.

ALL PROCEDURAL PREREQUISITES TO REMOVAL HAVE BEEN MET

12. Pursuant to U.S.C. § 1441(a) and § 1446(a), Uber is filing this Notice of Removal to the Federal District Court for the district within which the State Court Complaint was filed.

13. Pursuant to U.S.C. § 1446(a), the Uber Defendants attach all process, pleadings and Orders that have been filed, served or received by Uber in this action as **Ex. "D."**

14. Pursuant to U.S.C. § 1391, venue is proper in the United State District Court for the Eastern District of New York, as the Complaint in this action was filed in the Supreme Court for the State of New York, Queens County.

15. Uber will give written notice of the filing of this Notice of Removal to all other parties and will file a copy of this Notice of Removal with the Clerk of the Supreme Court for Queens County, as required by U.S.C. § 1446(d).

16. In removing this action, the Uber Defendants do not intend to waive any rights or defenses to which they are otherwise entitled under the Federal Rules of Civil Procedure.

17. Based upon the record submitted within this notice, this Court has jurisdiction over Plaintiff's claims and the Complaint is properly removed to this Court.

WHEREFORE, Defendant Uber Technologies, Inc., respectfully requests that this action proceed in the United States District Court for the Eastern District of New York, as an action properly removed from State Court.

Dated: White Plains, New York
August 11, 2022

Yours, etc,

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